UNITED
NATIONS

E

Economic and Social
Council

Distr
GENERAL

E/CN.4/Sub.2/2000/SR.4
8 August 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 August 2000, at 3 p.m.

Chairperson: Ms. MOTOC

CONTENTS

ORGANIZATION OF WORK (continued)

(c) METHODS OF WORK OF THE SUB-COMMISSION (continued)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-14585 (E)

The meeting was called to order at 3.10 p.m.

ORGANIZATION OF WORK (agenda item 1) (continued)

(c) METHODS OF WORK OF THE SUB-COMMISSION (continued)

1. The CHAIRPERSON said that requests had been received from several national human rights institutions to participate in Sub-Commission meetings, as they did in those of the Commission on Human Rights. The Bureau recommended that such requests should be accepted and that, on receipt of a written request, such an institution should be allowed to make a short statement on agenda sub-item 12 (a) (i).

2. It was so decided.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES. REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued) (E/CN.4/Sub.2/2000/4-8, 35, 36, 38 and 39, E/CN.4/Sub.2/2000/NGO/1 and 2, E/CN.4/2000/30)

3. Mr. KAMAROTOS (Médecins du Monde-International) said that his organization, which had been working in Chechnya and Ingushetia since 1995, was well aware that massive violations of human rights continued to occur, in defiance of international humanitarian law and even since the most recent resolution of the Commission on Human Rights. It was particularly concerned about the situation of displaced persons in Ingushetia. Although primary health and mental health care programmes had been established in various camps, roughly a quarter of the displaced population continued to suffer serious psychological problems as a result of the conflict. The Russian authorities' recent decision not to register any further displaced persons in Ingushetia was the more disquieting since access by humanitarian aid institutions depended on such formal registration. As it was, the assistance offered remained inadequate.

4. There was reliable information of continued human rights violations in Chechnya. In particular, attacks by Russian forces, including reprisals for incidents involving booby-trapped vehicles, continued not only to take a large toll of civilians but to cause widespread damage to established health centres. Figures which he read out showed that incidents of arrest and detention, as part of so-called "cleansing" operations, had recently increased, and that detention generally included torture and other cruel, inhuman or degrading treatment. No procedural guarantees were provided, detainees' relatives were rarely informed about the places of detention, and there were allegations that some detainees were released against payment of money. His organization had also received allegations of enforced disappearances. He called for immediate measures to implement Commission resolution 2000/58.

5. Mr. AHDEROM (Baha'i International Community) said he regretted having to draw the Sub-Commission's attention to the discrimination and persecution suffered by the Baha'i community in Egypt. The problems had begun in 1960, with Presidential decree No. 263, aimed

at dissolving all Baha'i institutions, banning the latter's activities and confiscating all Baha'i assets. Despite the assertion that individuals remained free to practice their faith in accordance with the constitutionally guaranteed religious freedom, Baha'is had been imprisoned on six occasions during the past 30 years on charges related solely to their religious convictions. The decree had been challenged in the courts, but the Supreme Court had ruled in March 1975 that it was constitutional. In addition, the Baha'i faith had been declared an unrecognized religion - although it had been recognized by the Government for over half a century. The Supreme Court had also decided that the Baha'i Faith was against public order, although the Baha'i community had existed in Egypt since 1868 without having attracted any such accusation. The purpose of the Government's action seemed to be to pacify a few religious extremists at the expense of a law-abiding community - an abdication of State responsibility to protect the rights of all citizens.

6. In 1993, the Human Rights Committee, in its concluding observations, had voiced its disquiet about restrictive legal provisions in Egypt with regard to freedom of thought, conscience, religion, assembly and association, and its concern that restrictions regarding religious communities such as the Baha'i did not conform to article 18 of the International Covenant on Civil and Political Rights (CCPR/C/79/Add.23). The situation of Baha'is in Egypt had not improved since then, however, and in some ways had deteriorated. One instance was a fatwa, issued in May 1998, seemingly prompted by the intended appointment of a Baha'i lecturer at the University of Cairo - although the lecturer had, in fact, been subsequently appointed. His organization called on the Egyptian Government to address the grave breaches of freedom of religion that the Baha'is continued to suffer.

7. Mr. BRADY (Indian Law Resource Center) said that the United States continued to violate the human rights and fundamental freedoms of the Western Shoshone indigenous people on their ancestral lands in central Nevada and parts of California, Idaho and Utah. Traditional hunting, fishing and grazing rights were being curtailed; access to traditional gathering and spiritual sites was impeded and in some instances denied; mining authorized by the Federal Government was contaminating limited water supplies; and some areas, including a sacred site, faced threats of military testing and nuclear waste storage.

8. The United States authorities were attempting, by means of a discriminatory agency process, to reinterpret the Treaty of Peace and Friendship with the Western Shoshone signed and ratified in 1863 and to deny not only Western Shoshone title and rights to land but also any recourse to formal protest or litigation, offering instead only a meagre monetary recompense that was unacceptable. The aim of current legislation - the Western Shoshone Distribution Bill and the Northern Nevada Land Act, measures which cynically appealed to urban dwellers - was to appropriate traditional land and capitalize on its sale.

9. His organization, having exhausted domestic procedures, appealed to the Sub-Commission to call upon the United States to halt immediately all current or threatened impediments to the Western Shoshone's use and enjoyment of ancestral lands and to open discussions with a view to finding acceptable solutions.

10. Ms. MARWAH (International Institute for Non-Aligned Studies) said that human rights were best secured by suitable constitutional and legal structures, good-quality political leadership, government and education, sound communications and independent media. Nations

showed a certain ambivalence, however, with regard to the elimination of racial discrimination, in that regard, education was failing to make adequate impact. Recent history showed what could happen when one race considered itself superior to another.

11. It was inevitable, in the current world economy, that people from different races would be found working together in most countries, but what ought to be a healthy trend had become a source of tension. Nations once proud of their immigrant background were currently foremost in attempts to restrict the free flow of people, economic fears were being given racial overtones, and newcomers from other cultures were seen as threats to an established and, by implication, superior way of life. But the true remedy required, at the outset, only an acknowledgement by all human rights champions, including members of the Sub-Commission, that they too had at times been guilty of racial prejudice and discrimination.

12. The High Commissioner for Human Rights, addressing the Sub-Commission, had underlined the importance of the preparatory work for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001, and her Office had initiated some welcome action in that regard. A further contribution to the preparations would be provided by a conference on racism to be held in New Delhi, for which the International Institute had already initiated the work.

13. Mr. PHUNTSOK (Worldview International Foundation) said that since the Sub-Commission's adoption of resolution 1991/10 - the only resolution on Tibet to have been adopted in any United Nations forum since 1965 - the human rights situation there had sadly deteriorated. As the Dalai Lama had said in March 2000, the Chinese authorities' current policies revealed the ugly face of racial and cultural arrogance and a deep sense of political insecurity. Since the visit to Tibet in 1994 of the Special Rapporteur on religious intolerance, those authorities had banned the public display of the Dalai Lama's photograph and had jailed the Panchen Lama at an undisclosed location. As part of an atheist policy, more than 11,000 monks and nuns had been expelled for opposing the "patriotic re-education" campaign.

14. Further examples which he cited included the deaths, as a result of torture, of 69 known Tibetan political prisoners since 1988, when China had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Special Rapporteur on the subject continued to express concern about the persistent use of torture and degrading methods of punishment in Tibet, and the Committee against Torture had recently voiced its disquiet about allegations in that regard. Despite an announcement in 1999, the Chinese authorities had so far failed to invite the Special Rapporteur for an official mission.

15. According to the Tibetan Centre for Human Rights and Democracy, there were 615 known Tibetan political prisoners in Chinese jails. And by imprisoning the Panchen Lama, China had the distinction of holding the world's youngest political prisoner, an 11-year-old boy.

16. Despite China's claims concerning cultural, religious and educational development in Tibet, there was strong evidence that written Tibetan for postal, transport and other public

purposes was in disuse, thus seriously threatening the continued use of the language. China was continuing its policy of Chinese settlement in Tibet, even using international fund agencies for that purpose, which risked causing serious demographic change.

17. The international community, and especially human rights organs, could not ignore such persistent violations of human rights and fundamental freedoms in Tibet. In that regard several campaigns, including a 49-day European March for Tibet involving several former political prisoners, aimed at supporting Tibetans in their struggle to preserve their religious, cultural and national identity, were in hand.

18. Mr. GRAVES (Interfaith International) said that his organization was appalled by the current situation in the Moluccas area of Indonesia, where the government forces were unable to keep order and Christians and Muslims were apparently massacring one another, the centuries-old peaceful coexistence of the different religious groups there having surprisingly broken down.

19. It seemed, however, from his organization's reliable sources, that mercenaries affiliated to the Indonesian army were promoting a jihad against Moluccan Christians and Muslims who collaborated with them. He wondered whether the region's military rulers were resorting to a political misuse of religion, and seeking to impose order through a mixture of fear and religion. The evidence suggested that the military rulers there were out of control and that many people feared that their lives were at risk, not necessarily from persons of another religion but from those who appeared to be fomenting religious rivalry, namely, the military and some mercenaries, reports of whose atrocities, including rape and extrajudicial executions, recalled events in Bosnia and Kosovo.

20. It should be remembered that a spirit of coexistence among religious groups had prevailed in the Moluccas for many years. With the spread of nationalistic movements everywhere, however, central Governments, were often at a loss to know how to control the situation and, in such cases, the military often gained the upper hand, becoming itself undermined by unscrupulous groups. The troubles stemmed, therefore, not from religion itself but from the fomenting of religious animosity for ulterior purposes.

21. He hoped that the Sub-Commission could raise the matter with the Indonesian Government, with a view to taking the situation in hand in a way consistent with the Moluccan people's legitimate concerns. The situation there was, in fact, in the same category as that of East Timor but, unfortunately, was less well documented and appreciated.

22. Mr. PRAJASTO (Pax Romana), welcoming the Human Development Report 2000, noted that the High Commissioner for Human Rights, in her inaugural address to the Sub-Commission, had mentioned that instances of serious violations of human rights remained a source of deep concern in many countries, such as Indonesia. That country's Minister for Foreign Affairs, briefing the ambassadors in Jakarta on 7 July 2000, had noted that problems in conflict areas like Aceh were caused by grave violations of human rights. The Government had committed itself, as noted at the Sub-Commission's previous session, to bring the perpetrators to justice. Pax Romana deeply regretted that it had not yet done so; in the Beutong case, for example,

Lt Col Sudjono, an important witness, had not been summoned, showing that those holding high rank and allegedly responsible for violations had impunity - the removal of which should be a top priority for Indonesia's democratization and reconciliation process.

23. The Indonesian Government was also urged to alleviate the plight of the thousands, especially women and children, displaced in the areas of conflict by providing security and allowing humanitarian relief organizations to have access to them. It should also proceed to ratify the two International Covenants on Human rights and observe the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which it had ratified.

24. In Malaysia, the right to freedom of assembly had been systematically denied for years. Civil society groups and opposition political parties had decided, nevertheless, to stage a peaceful gathering in support of the deposed Deputy Prime Minister Anwar Ibrahim. The Government and police had threatened action against any demonstrators, however, despite a statement by the newly-formed National Human Rights Commission that the public had a right to peaceful assembly.

25. Mr. MTHOBI (Pax Romana) said that, during the run-up to the recent elections in Zimbabwe, atrocities had been committed with impunity by politically sponsored hooligans, most of them members of the ruling party. The atrocities, reported in the press and investigated by a number of non-governmental organizations (NGOs), had included rape, beatings, physical and psychological torture and intimidation, burning of homes, kidnapping and the murder of up to 30 people, mostly opposition members. The police had been unable to enforce the law. Although sanity had prevailed during the elections, farm invasions and unrest still continued. According to the Agricultural and Plantation Workers' Union, over 8,000 of its members had not resumed work because of continuing harassment by so-called war veterans. The land question remained unresolved, and many perpetrators of the pre-election violence were still at large.

26. Mr. PARAMANANTHAN (International Educational Development, Inc.) said that many countries had remained silent concerning the allegations of grave breaches of the Geneva Convention relative to the Protection of Civilian, Persons in Time of War (Fourth Geneva Convention) and the Additional Protocols to the Geneva Conventions in the war in Sri Lanka for reasons of political or economic self-interest. Investigators under United Nations human rights machinery had, however, reported an alarming number of violations by the Sri Lankan Government's forces. In June 2000, the Chairman of the Committee on International Relations of the United States Congress had written to the Secretary of State of that country about the humanitarian crisis resulting from the Government's embargo on food, medicine and other essential goods to the Tamil people. He attributed the restrictions on media coverage of the war to a desire by the authorities to conceal the scale of civilian casualties from the outside world. That charge had been echoed in July 2000 by two British members of the European Parliament, who had also criticized restrictions on the distribution of essential supplies and drawn attention to the plight of displaced people in and around the conflict area.

27. The Government had failed to consult the Liberation Tigers of Tamil Eelam (LTTE) or any Tamil political party in drawing up the "devolution package" designed to resolve the Tamil question that would shortly be submitted to Parliament. It was a plan to which nobody had agreed but the ruling party.

28. He called on the Sub-Commission to express concern about the plight of the Tamil civilian population, oppressive legislation and the sweeping media ban, to support the initiatives by Norway and other countries, to urge States not to supply weapons or funds for military use to the Government, and to condemn the Government for its failure to include Tamil political and military forces in any meaningful dialogue aimed at resolving the conflict.

29. Mr. WEISSBRODT drew attention to the measures to which Belarus had agreed at the previous session, as reflected in the Chairperson's statement on the situation of human rights in Belarus. He thanked the Government for the progress it had made in complying with the agreement. It had invited the Special Rapporteur on the independence of judges and lawyers to visit the country in June 2000. In his press release, the Special Rapporteur had focused on three areas of concern: the judiciary, the legal profession and the state of legislation. Many of the problems in those areas were due to the disproportionate amount of power held by the executive, which had compromised the integrity of both the judiciary and the legislature. Belarus had also withdrawn its reservation to article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, had taken steps to ensure that international observers would be present to monitor the elections scheduled for October 2000 and had submitted a progress report to the Sub-Commission in June 2000 which would shortly be published.

30. In 1998 and 1999, the Sub-Commission had expressed deep concern at the human rights situation of persons mainly of Nepalese ethnicity who claimed to be refugees from Bhutan and had been living for some years in refugee camps in Nepal. It had called on the Governments concerned to negotiate a peaceful solution consistent with international human rights standards, to take steps to verify the origin and nationality status of persons claiming to be refugees, and to negotiate their voluntary return where appropriate. Unfortunately, although the Governments of Bhutan and Nepal had met to discuss the problem, no constructive agreement had been reached and no real progress made in returning the between 80,000 and 100,000 refugees who had been expelled from Bhutan 10 years previously.

31. He welcomed the steps taken by the Government of Nepal to abolish the practice of bonded labour in that country.

32. While welcoming the dramatic improvements in relations between the Democratic People's Republic of Korea and the Republic of Korea in recent months, he regretted the lack of any significant change in the human rights situation in the former country. Government restrictions on access and information had continued to hamper the gathering of independent and impartial information about the human rights situation, so that the population remained vulnerable to hidden human rights violations. Dramatic food shortages had reportedly killed thousands in the previous five years and forced many people to leave the country illegally.

33. According to reports from human rights organizations, many who tried to cross the border into China had been ill-treated by police officers as they were being returned to the Democratic People's Republic of Korea and risked human rights violations after their return. Forcible repatriation by the Chinese authorities had begun in March 2000 and, according to unconfirmed reports, had affected 5,000 people in that month alone. Asylum-seekers in China were reportedly pursued by the Public Security Service of the Democratic People's Republic

of Korea and could face imprisonment or even the death penalty if returned. The Chinese Government continued to deny access to border areas to the Office of the United Nations High Commissioner for Refugees (UNHCR) and other monitors.

34. Mr. Kim Young Dal, the head of Rescue the North Korean People - Urgent Action Network, an organization that provided direct aid to starving people in the Democratic People's Republic of Korea, had been murdered in Japan. A full and timely investigation of his death was needed.

35. In the Chairperson's statement adopted at the previous session, the Sub-Commission had recognized the positive steps being taken to improve the human rights situation in Indonesia but had expressed concern about continuing reports of extrajudicial executions and ill-treatment and of violence abuses in, for example, Aceh and Ambon. Despite encouraging indications that the new administration would continue with the reform process, the human rights situation remained fragile. In the absence of fundamental institutional and legal reforms, human rights violations continued to go unpunished and perpetrators continued to evade justice.

36. Peru had taken the unprecedented step in 1999 of withdrawing from the jurisdiction of the Inter-American Court of Human Rights. The Court had rejected that step, stating that there was no norm in the American Convention on Human Rights that empowered States parties to withdraw their declaration of acceptance of the compulsory jurisdiction of the Court.

37. Torture persisted as a major concern in Turkey despite some sincere efforts by the Government to curb the practice. Hundreds of cases had been documented by human rights organizations over the years. There was concern at the failure to investigate allegations of torture and at the fact that alleged torturers were often not suspended from their duties while legal proceedings against them were under way and had even in some cases been promoted. The activities of a number of human rights organizations also continued to be hampered in Turkey.

38. He noted that, in accordance with the agreement reached at the previous session between the Sub-Commission and the Government of Togo, an international commission of inquiry had commenced its proceedings.

39. He looked forward to hearing a report from Mrs. Daes on the outcome of what had apparently been a successful visit to Mexico at the Sub-Commission's request.

40. He hoped that the Sub-Commission would remain active with regard to country situations, particularly those which were not being adequately addressed by the Commission on Human Rights, and would find a way to have its discussions meaningfully reflected in its report.

41. Ms. BATHA (World Evangelical Fellowship) said that the French National Assembly had passed a bill in June 2000 which gave the State power to dissolve religious groups and impose heavy sentences and fines on their members. The vagueness of the wording of the bill, which awaited Senate approval, seriously circumscribed freedom of speech, including attempts to persuade others to share a particular point of view. Freedom to share one's beliefs was integral to certain religions and to freedom of belief as protected under international law.

42. In 1996, the French authorities had published a list of 179 groups, including mainstream Christian groups such as the Baptists, which had become a de facto blacklist of "dangerous cults". An interministerial body to combat sects had been established in 1998. There was no mechanism for dialogue with the Government and no procedure for being removed from existing lists.

43. France was bound by international treaties and by its own Constitution to respect religious freedom. Criminal activities under the guise of religious freedom should be prosecuted by existing legislation and law-abiding groups should not be harassed by the use of blacklists and extrajudicial investigations. Two-tier systems of religious classification had been used in many countries to oppress, control and exploit legitimate religious activity. Minority religious groups should therefore be given equal status and treatment.

44. Ms. AVELLA (World Federation of Trade Unions) said that trade union activism had become a high-risk occupation in Colombia. The Colombian teachers' federation FECODE had reported a wave of terrorist activity against teachers throughout the country. Fifteen teachers had been murdered since the beginning of 2000. The President of FECODE and most of its leaders had been threatened. Although the Government had created a number of bodies to protect the teachers, they had so far proved ineffective.

45. The leaders of a nationwide trade union of oil industry workers had been targeted by paramilitary groups. Many had been displaced or forced to emigrate. Unless the authorities took firm action to protect the lives of threatened trade unionists, all union activity in Colombia would cease.

46. Her organization regretted that, at its last session, last session, the International Labour Conference had failed to established a commission of inquiry on Colombia. The United States Government's Colombia Plan, with its strong military component, would provide weapons to an army that was guilty of ongoing human rights violations and was in league with terrorist paramilitary groups. The Plan would not solve the problem of drug trafficking but undermine peace efforts, damage the Amazonian ecosystem, promote further displacement and exacerbate the humanitarian and human rights situation.

47. In response to reports that a military base in Ecuador would be used for United States operations against certain regions of Colombia, there had been calls for a referendum to determine whether the Ecuadorian people would consent to such activities.

48. Her organization called for international assistance in resolving the armed conflict through negotiations and the involvement of Colombian society and the economy in promoting integrated solutions to drug trafficking and in building new democratic institutions.

49. Ms. KABIR (Association pour la Promotion de l'Emploi et du Logement (APEL)) said that individuals such as Osama Bin Laden and the Taliban in Afghanistan had destroyed the land and ethos of the Afghans and ravaged their dignity. They had encouraged groups such as Harkat-Ul-Mujahideen to run military training camps for a jihad. The Taliban threatened to destroy their own society by targeting specific religious and cultural groups. Earnings from the narcotics trade were used to subvert neighbouring societies. They used religion to marginalize

and oppress women, who were prevented from taking part in social, economic and political life. Some women had banded together in the Revolutionary Association of the Women of Afghanistan (RAWA) to struggle for women's rights and democracy and to combat all forms of fundamentalism.

50. Mr. MAQBOOL (World Muslim Congress) said that calls had been made at the fifty-sixth session of the Commission on Human Rights for the establishment of an independent tribunal to investigate charges of violations of the Geneva Conventions by the forces of the Russian Federation in Chechnya. The tribunal had not yet been established but the torture and ill-treatment of Chechen detainees in detention centres such as that of Urus Martan in the vicinity of Grozny continued.

51. Many ethnic Albanians from Kosovo were still detained in Serbian jails. It was the responsibility of the international community to secure their release.

52. The Indian security forces continued to torture and kill innocent civilians in Kashmir. The basic issue was the right of the people of Kashmir to self-determination and India had stationed almost 750,000 soldiers and other security personnel in the area to prevent them from exercising that right. Any Kashmiri who failed to accept that Kashmir was an integral part of India was by definition a "militant". Arbitrary arrests and detentions were a routine result of daily house-to-house searches. Homes were plundered and dynamited and entire villages had been burnt down.

53. Detainees were subjected to torture or simply disappeared. By one count, 58 Kashmiris had been killed in custody in the previous two months. According to an Amnesty International report published in 1999, 800 people in Jammu and Kashmir had disappeared after being arrested by the Indian security forces. Political leaders were illegally detained and denied minimum prison rights. Women were beaten up by the police and raped. All criticism or dissent was stifled.

54. Kashmiri leaders were crying out for help and it was incumbent on the Sub-Commission to take cognizance of the ongoing massive human rights violations in Kashmir.

55. Mr. PROVE (Lutheran World Federation (LWF)), speaking also on behalf of Save the Children Fund and Danchurchaid, drew attention to the statements by the Chairperson at the two previous sessions of the Sub-Commission concerning persons in Nepal claiming to be refugees from Bhutan. His organization and the Bhutanese refugee community had looked forward to the Sub-Commission's review of the situation at the current session, but intervening circumstances had precluded any concrete action. Despite interventions by, among others, the United States Assistant Secretary of State for Population, Refugees and Migration, the Norwegian Minister for Foreign Affairs and the United Nations High Commissioner for Refugees, over 90,000 people continued to languish in the refugee camps of eastern Nepal.

56. Such progress as might have been made though ministerial-level contacts between the two Governments had not led to the establishment of a verification mechanism or to the return of

a single refugee to Bhutan. The negotiations were hampered by disagreement about the social unit on which a verification process should be based and there was no demonstrably shared sense of urgency to overcome those differences.

57. His organization hoped that the Sub-Commission would find the time and means to review the matter and would continue to press for a just solution.

58. Mr. BENNET (Afro-Asian Peoples Solidarity Organization) said that Mr. Qurishi, a long-standing defender of the rights of the Seraiki people - who had addressed the Sub-Commission at previous sessions - had been prevented by the Pakistani military dictatorship from travelling to Geneva.

59. Every attempt was being made in Pakistan to silence and demolish the cultural identity of peoples such as the Seraiki, Mohajirs, Sindhis and Baloch, in some cases through the use of force. Even Muslims belonging to the majority sect of Sunni Islam were treated as pariahs if they were linguistically different from the ruling Punjabi elite. The paranoia of the authorities was such that they had even sought to manipulate the census figures so as to minimize the significance of such groups.

60. Mr. ANDREW (International Commission of Jurists) said that the imposition of the death penalty on minors was both morally and legally inadmissible. Such a penalty not only violated the inherent dignity of the human person and the rehabilitative function of punishment, it was also in clear breach of a number of international and regional human rights instruments. Only five States persisted in maintaining the practice (Iran, Nigeria, Pakistan, Saudi Arabia and the United States). The United States continued to apply the death penalty to minors, even though the Human Rights Committee had declared that the State party's reservation to article 6, paragraph 5 of the International Covenant on Civil and Political Rights was incompatible with its obligations under the Covenant.

61. In 1987, the Inter-American Commission on Human Rights, in the case of Roach and Pinkerton v. the United States, had ruled that the prohibition on imposing the death penalty on minors was an emerging principle of international law. It could hardly be doubted that, 13 years later, the prohibition had come to constitute a principle and peremptory norm of international law.

62. His organization also wished to draw attention to the right of victims of human rights violations and their family members to accurate information, particularly in the context of enforced disappearances. The Government of Argentina should be urged to comply with the agreement it had signed in that connection on 15 November 1999 under the auspices of the Inter-American Commission on Human Rights. Enforced disappearances continued to be investigated in that country by military courts, in breach of the Declaration on the Protection of all Persons from Enforced Disappearance (article 16, second paragraph). Moreover, some military officers were refusing to cooperate with judicial investigations.

63. Mr. LEBLANC (Franciscans International), speaking also on behalf of Dominicans for Justice and Peace, said that, despite the electoral change in Mexico and the new President's stated determination to allow international scrutiny, the country's long-standing and systemic

human rights problems persisted. The High Commissioner for Human Rights on her recent visit to Chiapas had declared that there was a deep gulf between government statements and reports on the ground. The Mexican authorities should be strongly encouraged to implement fully their international commitments, and the Sub-Commission should request the Commission on Human Rights to monitor the follow-up.

64. In Pakistan, the Blasphemy Law and the separate electoral system (which required persons to vote only for candidates of their own religious denomination) were still of concern. It was to be hoped that the planned changes in the electoral system - to be announced on 14 August 2000 - would take account of the demands of the religious minorities and lead to a restoration of the joint electorate system.

65. In Colombia, a massacre had taken place on 8 July 2000 in the village of Union. Men in army uniforms wearing balaclavas had rounded up the community and shot six men, threatening to return and kill more unless the people abandoned their village. The killings appeared to be linked to a policy of land-clearance for purchase at bargain prices by transnational corporations (for oil, fruit farms and mining).

66. Ms. BANDETTINI di POGGIO (International League for the Rights and Liberation of Peoples) drew attention to the escalation of direct attacks against the Tamil civilian population in areas of northern and east Sri Lanka under LTTE control. Civilians were increasingly being used as human shields, and bombing of civilian targets was causing a mass exodus. Five thousand civilians forced to flee the Thenmaradchi division of the Jaffna peninsula were currently being housed in a transit camp where UNHCR and the International Committee of the Red Cross (ICRC) were providing limited emergency relief in difficult conditions.

67. Hospitals and pharmacies in the Vanni region were on the brink of closure due to government restrictions on medical supplies. A hospital in Valaichenai which served nearly 38,000 people from more than 50 villages, was particularly affected.

68. In the Sinnakadai area in Mannar, the incident of rape and sexual abuse of women at the hands of the security forces was on the increase.

69. For the conflict to be resolved, the Tamil national question must be addressed, with LTTE as a party to the negotiations. Both LTTE and the Tamil United Liberation Front (TULF) - a moderate party - considered the proposed devolution package to be unacceptable, since it merely served to promote majoritarian Sinhala interests.

70. The Sub-Commission, for its part, should support the facilitating action undertaken by Norway and welcome further action any interested country might propose, with a view to achieving a just and dignified peace for all.

71. Mr. BHAN (International Institute for Peace (IIP)) said that Kashmiris of different religions had coexisted peacefully for centuries in Jammu and Kashmir. Their tranquillity had been shattered in 1989 when "a handful of boys", dissatisfied with the political system and poor

governance, had been beguiled by Pakistan into firing the first shots. Those shots continued to echo in the deaths of thousands, in the destruction of an entire economic and social infrastructure and in refugee camps milling with both Hindus and Muslims.

72. It was with Pakistan that the onus for all the death and destruction lay. The jihad groups it had nurtured continued to usurp peace with their perverted ideologies and to deny Kashmiris the right to self-determination. Kashmiri brethren in the northern areas of Pakistan had waited 50 years for a recognition of their rights, yet they continued to be ruled from Islamabad, their voices silenced and their land used as a launch pad for attacks against India. In Azad Kashmir, people were not even free to stand for election or to hold public office without first pledging support for Jammu and Kashmir's accession to Pakistan.

73. The Government of Pakistan claimed it was providing political, moral and diplomatic support to Kashmir, but the Kashmiris did not want it. Pakistan should support the people of Sindh, the Mohajirs and the Baluch and others who were clamouring for their rights. All Kashmiris wanted was peace, and for Islamabad to leave them alone.

74. Mr. REHMAN (World Federation of Democratic Youth) said that gruesome human rights violations against more than 22 million Mohajirs in urban centres of the Sindh province of southern Pakistan persisted, as it had done under previous regimes. The Sub-Commission should thus take urgent action in accordance with Commission resolution 8 (XXIII).

75. The military take-over in Pakistan had made no difference to the policy of oppression and suppression of the Mohajirs. Thousands continued to languish in prison, including several parliamentarians, one of them being the former Mayor of Karachi. Thousands of families had been forcibly displaced and there had been over 28 reported cases of involuntary disappearances. More than 53 members of the Muttahida Qaumi Movement had also been sentenced to death by the unconstitutional Anti-Terrorist Courts (ATC).

76. His organization called upon the Government of Pakistan to cease all violations of human rights and fundamental freedoms committed against the various ethnic and linguistic groups in the country, and particularly the Mohajir and Sindhi peoples of the province of Sindh.

77. Ms. TANGGAHMA (Survival International) said that, at the recent Papuan Congress, some 3,000 leaders from all regions of West Papua had reaffirmed their people's right to self-determination and had called, inter alia, for a review of the 1969 United Nations-sponsored handover to Indonesia.

78. The Indonesian Government and army perceived such aspirations on the part of the Papuan people as a threat. Freedom of speech was not allowed, and the Papuan leaders were constantly subject to police interrogations. Alarmingly, the number of Indonesian troops in the area had increased from 8,000 to 12,000 in recent months, thereby exacerbating the situation.

79. There was a pro-independence militia, estimated to number 7,000, and an anti-independence militia with between 5,000 and 10,000 - mainly non-Papuan - members. Brutal confrontations between the opposing camps had already occurred in Jayapura and Fakfak.

80. The bloody sectarian conflict in neighbouring Malukku had also had repercussions in West Papua, where at least 20,000 Moluccans had sought refuge. Locals feared that the refugees might bring further violence. The Institute for Human Rights Studies and Advocacy - a human rights organization in West Papua - considered that special steps should be taken to cope with the sudden influx, such as UNHCR support, and that international intervention was needed to resolve the crisis.

81. The Sub-Commission should continue to monitor closely the various country situations, particularly those in parts of the world, such as West Papua, which did not enjoy broad media coverage. It should also call upon the Government of Indonesia to allow international intervention in eastern Indonesia, particularly of a humanitarian nature, to bring to justice persons accused of provoking violence and to suspend members of the security forces suspected of siding with the militias. In addition, it should also consider ways in which the international community might help restore calm in the region, by supplying international observers, for instance.

82. Mr. NAQSHBANDI (World Muslim League) said that the people of Jammu and Kashmir looked to the Sub-Commission to raise its voice against continued violations of their human rights at the hands of the Indian authorities. The Government of India used euphemistic language to camouflage its crimes, terming its terrifying occupation forces - "security forces", acts of arbitrary arrest and detention - "preventive detention", acute harassment and raids of communities - "house-to-house searches", and torture and systematic killings of civilians - "encounters".

83. A series of "black laws" on Kashmir facilitated such abuses and were in violation of international law. Under such legislation, detention without charge or trial was allowed for up to one year; identities of witnesses could be kept secret; the burden of proof was placed on the accused; and extrajudicial confessions to police officers were permitted. Moreover, members of the armed forces could kill persons at their discretion; enter and search any premises, or arrest any person without warrant and at any time.

84. To make matters worse, members of the armed forces were immune from prosecution. Such provisions freed the Indian armed forces from any accountability for human rights abuses and resulted in the terrorization of the entire Kashmiri population.

85. Ms. HAMPSON said that the global human rights picture for the previous 12 months was extremely varied. There were encouraging signs in some places, such as the recent attempts to resolve the problems in Kashmir and Corsica, but in other places the picture was depressing.

86. Since the Sub-Commission's previous session, six individuals had been executed for offences committed when they were under the age of 18: one in the Democratic Republic of Congo and one in the Islamic Republic of Iran - in clear violation of the Convention on the Rights of the Child, of which both countries were signatories - and four in the United States of America. Although the United States had not ratified the Convention on the Rights of the Child, it could be argued that the executions there were a violation of customary international law.

87. Certain countries had been the focus of international concern, and thus of concern to the Sub-Commission and its members for some time. However, it should be acknowledged that the Democratic People's Republic of Korea had submitted a report to the Human Rights Committee earlier in the year, and it was to be hoped that the political developments in the Korean Peninsular would lead to an improvement in the human rights situation there. In a number of countries, there was evidence that fighting had been conducted in violation of the applicable laws of armed conflict and in violation of the rules of human rights law prohibiting arbitrary killings, inhuman treatment, torture and arbitrary detention.

88. Other situations that gave rise to serious concern were those in which one community persecuted another, sometimes with the help of the State or in the absence of effective preventive action by the authorities. The international community had a special responsibility for the situations in Kosovo and Bosnia and Herzegovina, having ignored the discrimination practised by the ethnic Serb authorities for a decade. The reaction of the ethnic Albanians in Kosovo was deplorable, though not perhaps surprising, and the international community's first obligation was to provide effective protection to the ethnic Serbs there.

89. One thing all those situations had in common was the impunity, or probable impunity, of the perpetrators. For example, the 1999 peace agreement in Sierra Leone, which included a blanket amnesty, could not bind third States whose courts recognized universal permissive jurisdiction with regard to war crimes, nor should it apply to serious violations committed after the agreement was signed. Impunity was also rife in Turkey, where the European Commission of Human Rights routinely encountered failings in the investigatory process and where the legal system failed adequately to protect the right to life when the threat came from State security forces. In Kosovo, there were likely to be difficulties in getting both suspects and witnesses to appear before the war crimes tribunal. All those situations emphasized the importance of the prompt establishment of the International Criminal Court.

90. On the positive side, the majority of States cooperated with United Nations human rights treaty bodies and thematic mechanisms. She welcomed the fixing of the date for the visit of the Working Group on Arbitrary Detention to Bahrain, Saudi Arabia's willingness to receive a visit from the Special Rapporteur on the independence of judges and lawyers, and the planned ratification by Indonesia of the two International Covenants on Human Rights.

91. The purpose of the United Nations human rights mechanisms was to help identify problems and possible solutions. However, States cooperating with those mechanisms still sometimes had problems with the effective accountability of the police and security forces, the performance of public prosecutors and a weak judiciary. International assistance needed to be forthcoming to help identify the causes of such problems; otherwise, both the apparent cooperation of States and the professed concern of certain Governments would be revealed as a sham. Effective domestic remedies made widespread and systematic violations most unlikely, and the provision in practice of such remedies was a suitable topic for the Sub-Commission's sessional working group on the administration of justice.

92. As noted by the open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights, the refusal of a minority of Governments to

cooperate with the United Nations human rights mechanisms was a cause of serious concern. The lesson of the past decade was that unaddressed serious human rights violations often led eventually to an explosion. It was therefore necessary to find a way of "engaging" uncooperative States in the interest of peace and security. Certain countries showing signs of increasing engagement should be encouraged to ratify human rights treaties, and the Sub-Commission should adopt a resolution under its agenda item 2, even though it must refrain from referring to specific countries by name.

93. Mr. NAZARIAN (Observer for Armenia) said that some human rights violations, of which there was an increasing number, appeared to be of a permanent nature. The constant attempts to deny the rights enshrined in international treaties, particularly the ongoing violation of people's right to self-determination, deserved the Sub-Commission's undivided attention. The use of military force to deny people the exercise of that right and the right to forge their own national destiny led to armed conflict and refugee problems. For more than a decade, his country had suffered the consequences of the refusal by Azerbaijan to fulfil its obligations under international human rights treaties and to respect the right of the people of Nagorno Karabakh to self-determination. In the early 1990s, following the constitutional demand of the people of Nagorno Karabakh to exercise in full their civil, political, economic and social rights, Armenian minorities in Azerbaijan had been the victims of gross and massive violations of human rights and fundamental freedoms. They had been forced to flee for their lives from organized pogroms and riots followed by looting and arbitrary confiscation of property ...

94. Mr. ALFONSO MARTÍNEZ, speaking on a point of order, said that every year the Sub-Commission urged the representatives of Governments not to refer to human rights violations in other States; in that way, statements equivalent to a right of reply could be avoided at a later stage.

95. Mr. NAZARIAN (Observer for Armenia) said that the Sub-Commission should give priority to the right of peoples to self-determination, since no individual rights could be fully guaranteed if that was not observed. For example, the right of peoples freely to determine their political status and pursue their economic, social and cultural development implied the full realization of their right to self-determination. The application of the right to self-determination was being undermined by assertions that it could be applied only once, that its enjoyment was restricted to a national territory and that it was subordinate to the principle of the territorial integrity of States. He trusted that the Sub-Commission's experts would monitor closely the application of the principles of international law and the massive violations of human rights and fundamental freedoms that resulted when they were not observed.

96. Mr. AL-DOURI (Observer for Iraq) said he deplored the attempts made to exploit the human rights problems facing many countries for political advantage at the international level. Such attempts were evidence of double standards and a lack of transparency, and he trusted the Sub-Commission would successfully distance itself from them. Economic, social and cultural rights could not be respected in a situation of deprivation such as the one imposed on the people

of Iraq by the 10-year-old embargo, which served as a means of applying collective torture and committing genocide. While the States behind the embargo would not go into human rights problems in their own countries, an entire people was being deprived of the right to health and life. The embargo was a heinous crime, with repercussions that would affect generations to come, and the Sub-Commission should make the alleviation of the plight of the Iraqi people a priority.

97. He called on the Sub-Commission to be even-handed on human rights issues, and to denounce the daily bombing of Iraqi citizens by the air forces of the United States of America and the United Kingdom. Those two countries were clearly interfering in the internal affairs of Iraq; they used their veto to prevent the export of medicines and food, withheld financial resources from Iraq and prevented Iraqi citizens from travelling freely. They stressed the need to respect human rights while at the same time calling for the overthrow of a regime. He urged the Sub-Commission to adopt a resolution calling for the lifting of all forms of embargo throughout the world.

98. Mr. VAHABZADA (Observer for Azerbaijan) said that the crime of aggression was recognized in the Rome Statute of the International Criminal Court as one of the most serious crimes of concern to the international community and the General Assembly, in its resolution 3314 (XXIX), on the definition of aggression, had made it clear that the territory of a State must not be the object of military occupation or of acquisition by another State as a result of the use of force. Unfortunately, however, such developments in the norms of international law were not an obstacle to their violation. He drew particular attention to the situations in territories which had been seized by one of the parties to a conflict even after the adoption of resolutions by the Security Council condemning the occupation and calling for strict respect for the sovereignty, territorial integrity and inviolability of the internationally recognized borders of the State concerned.

99. Situations in which Governments refused to recognize their responsibility for the consequences of their direct or indirect involvement in an armed conflict were also a matter for serious concern. Such Governments often refused to recognize the internationalized nature of the conflict, falsely claiming that it was the result of an ethnic group's struggle for self-determination.

100. Organized international terrorism had become one of the most serious threats to the generally accepted concept of human rights and fundamental freedoms, as well as to the security and territorial integrity of States. International cooperation needed to be strengthened. It was important to develop a comprehensive international legal framework to combat international terrorism as a crime against humanity. The Special Rapporteur on terrorism and human rights should pay more attention in her future reports to the phenomenon of so-called "ethnic terrorism".

101. Lastly, he drew attention to the sometimes destructive role of a diaspora in propagating a so-called "collective memory of the people" based on a false interpretation of historical events.

In some cases, the country of origin could become politically and financially dependent on the diaspora, making peace and good relations between neighbouring States difficult and negatively affecting the welfare of entire nations.

102. Mr. GOLOVANOV (Observer for Belarus) said that, since the Sub-Commission's last session, the Special Rapporteur on the independence of judges and lawyers had visited his country, where he had been given all necessary assistance and where he had enjoyed total freedom of movement. He had been given the opportunity to meet, among others, representatives of NGOs and opposition politicians.

103. In July 2000, the internal procedures had been completed to enable Belarus to withdraw its reservations to article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

104. Parliamentary elections were to be held in October 2000 and presidential elections in 2001. His Government had worked closely with the Council of Europe to prepare a new electoral code which would ensure that those elections were free and fair. The draft electoral code it had submitted for comments to the Council of Europe had been adjudged entirely suitable. The new Electoral Code took account of the views of political parties at all parts of the political spectrum, including those not represented in Parliament, as well as international organizations and representatives of civil society.

105. The intensive work on the Electoral Code had left no time to consider legislation on human rights, although a draft had already been prepared after consultation with all interested parties and had been approved by the country's Human Rights Commission. The creation of the post of Ombudsman was still on the agenda and would be dealt with soon after the new Parliament got down to work.

106. The Government was planning further measures to bring its legislation into line with international legal standards and was studying a draft programme of action to ensure the effective protection of human rights and freedoms during the transitional period. Moreover, it had submitted, as requested, a report on the implementation of its obligations in the field of human rights in time for distribution at the Sub-Commission's current session (E/CN.4/Sub.2/2000/9).

107. Mr. RAJA NUSHIRWAN (Observer for Malaysia), making a statement equivalent to a right of reply, said that the allegation by an NGO that the right to freedom of assembly had been systemically violated for years in his country was manifestly untrue. Permits for rallies had been granted and the authorities had stepped in only when demonstrations had disrupted public order. Such actions were consistent with the provisions of the Universal Declaration of Human Rights with respect to the preservation of public order and morality. He was surprised at the allegations that his Government justified the alleged violation of that right with legal arguments. Like other Governments in democracies based on the rule of law, his Government did not justify actions based on legal arguments, but rather made decisions based on legal reasons.

108. Mr. KIM Yong-ho (Observer for the Democratic People's Republic of Korea), making a statement equivalent to a right of reply, said that Mr. Weissbrodt's allegations about the human

rights situation in his country were completely unsubstantiated. Human beings were held in the highest respect in his country, and everything possible was done to improve their lives. Groundless accusations only led to confrontation and did not help the cause of human rights. His delegation had reacted to similar accusations in the past by showing the utmost spirit of cooperation and by patiently offering the facts on the situation in its country. Unfortunately, Mr. Weissbrodt had reacted to that cooperation by making accusations based on distorted and fabricated information. He therefore advised Mr. Weissbrodt to be objective and impartial, as befitted an expert member of the Sub-Commission.

The meeting rose at 5.50 p.m.